elucidate the general subject of receivers. And the citation of cases seems to be as reasonably complete as could be expected. It is true there are some notable omissions. For instance the important decisions in New York in connection with the receiverships of the Metropolitan Surety Company and of the Empire State Surety Company, and in Connecticut in connection with the receivership of the Aetna Indemnity Company, are either only barely mentioned or else omitted altogether. It is a pleasure to see the opinion of Judge Noyes of the Circuit Court of Appeals for the Second District, in *The Pennsylvania Steel Co. v. New York City R. R.* (1912) 198 Fed. 721, 736, on the subject of provable claims against receivers, given the prominence it deserves, but in all fairness the opposing authority should have been fully stated.

Certain errors in proof reading crept in, as for instance the duplication of a phrase on page 33.

A reviewer is perhaps not justified in quarreling with an author because the reviewer feels that the author should have attempted a more ambitious production. Yet it may be questioned whether there is any need commensurate with the expense involved for works of this character, which so largely duplicate the work of the ordinary digest. "Says the Court in *Jones v. Brown*" is only helpful in that it gives a short cut to the place where *Jones v. Brown* may be located. On the other hand, in the field of law of this character there are very many branches which need analytical study. The profession and the bench would be very materially assisted by careful discussion of such questions as what claims may be proved against the receiver, how far the court of the receivership may direct the receiver to act without the state, and kindred topics. The author, in view of the extended acquaintance with the authorities which the present work has given him, is now in a position to make a more careful analysis of such topics than he has here attempted. We hope that he will find occasion to do so.

Story's Equity Jurisprudence. 14th edition, by W. H. Lyon, Jr. Boston, Little, Brown and Co. 1918. 3 vols. pp. cxcii, 541; vii, 683; vii, 682.

The appearance of a new and revised edition of Story's *Equity Jurisprudence* raises two questions: (1) was it worth while to issue a new edition; (2) if so, has the work of the editor—always a difficult one in such cases—been well done? Both these questions must, in the opinion of the present reviewer, be answered in the negative.

Only one who thinks of the modern decisions in equity—and, let us hasten to add, at law—as merely the application of fixed and unchanging principles and rules to new conditions of facts, can imagine that a work originally composed so long ago can without complete re-writing present a correct picture of the equity of to-day. With the realization that, disguise it how we will, our courts have, in the years which have passed since Story wrote his great work, re-stated a large portion of our law so as to meet the changing needs of society, comes the conviction that the work undertaken by the present editor was largely useless. As well, almost, might one re-publish a book nearly a hundred years old upon some branch of physical science, leaving the original text unaltered, but adding paragraphs and footnotes to set forth the modern developments of the subject, and expect it to present a clear picture of the science of to-day. Imagine a book upon chemistry, or physics, or biology, constructed upon such a plan! If one doubts the validity of the argument from analogy—and confessedly such arguments are full of pitfalls for the unwary—he may recall the following remarks of Jessel, M. R., in *Knatchbull v. Hallett* (1880) 13 Ch. D. 696, 710:

"It must not be forgotten that the rules of Courts of Equity are not, like the rules of the common law, supposed to have been established from time imme-

morial. It is perfectly well known that they have been established from time to time,—altered, improved, and refined from time to time. In many cases we know the names of the chancellors who invented them. No doubt they were invented for the purpose of securing the better administration of justice, but still they were invented. Take such things as these: the separate use of a married woman, the restraint on alienation, the modern rule against perpetuities, and the rules of equitable waste. We can name the chancellors who first invented them, and state the date when they were first introduced into Equity Jurisprudence; and therefore in cases of this kind the older precedents in equity are of very little value. The doctrines are progressive, refined, and improved; and if we want to know what the rules of equity are, we must look of course rather to the more modern than the more ancient cases."

If, however, we assume that a new edition was desirable, there remains the question of the skill with which the editorial work has been done. There was an opportunity by means of the added paragraphs and footnotes to indicate in this new edition at least the chief points of development which have taken place and the general trend of the more modern authorities. This opportunity has not been grasped. This treatment in the added paragraphs and in the footnotes impresses one as both incomplete and unscientific. The demonstration of this statement would require more space than is at command, and it must therefore be left for each reader to satisfy himself of its truth.

Upon the mechanical side, the new edition is on the whole an excellent piece of work. There are now three volumes instead of two, and the paragraphs have been re-numbered. It is regrettable that the old paragraph numbers are not also given, at least in a table, so that one who has a reference to the older editions may find in the new the passage referred to. The addition of a statement on the back of each volume of the sections included within it would add something to the convenience of users of the work.

WALTER WHEELER COOK

Spirit of the Courts. By Thomas W. Shelton. Baltimore, John Murphy Co. 1918. pp. xxx, 264. $1.50.

No matter how good a law, in the abstract, its force in life is limited strictly by the means of its enforcement; and the means of enforcement of the law in the United States to-day are in a precarious tangle. Some half of the points reviewed in our appellate courts are pure points of practice; and this equally under the code and the modified common-law procedure. Indeed, under a code, a lawyer is bound by his oath to enforce the provisions of the code; it is part of his duty as an officer of the court to stickle, to delay, to appeal on nothings, and generally hamper the getting of things done. It is legitimate and desirable for the legislature to regulate the substantive law, to say *what* the courts shall do; but legislators have neither the time nor the intimate experience, neither the freedom from political pressure nor the pride in cleancut professional workmanship, to regulate to anybody's satisfaction the detailed *how* of the administration of the courts. That should be left to the courts themselves, aided by the bar. "Let Congress set the Supreme Court free." Let all details of procedure be dealt with by rules of court. Not only will this make justice speedier—and slow justice is too often equivalent to none—but, once the Supreme Court has shown the way and proved the workability of the new system, it is a fair hope that the individual states will follow; and thus that the long-desired uniformity of civil procedure may be attained. The movement is already on foot; a bill is already before Congress; every man's interest is to help it on.